

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HPSH, LLC,

Plaintiff,

v.

Highland Park, City of,

Defendant.

Case No. 16-12105

Hon. Victoria A. Roberts

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ORDER REGARDING DEFENDANT'S MOTION TO DISMISS (ECF No. 4)

Defendant City of Highland Park ("Highland Park") filed a Motion to Dismiss in which it argues that Plaintiff HPSH, LLC does not plead sufficiently detailed or specific factual allegations and is, therefore, defective for failing to articulate a plausible claim as required by the Supreme Court's decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Specifically, the Motion says HPSH's complaint: (1) fails to state a claim for which relief can be granted; (2) does not allege standing to challenge licensing provisions of ordinances; (3) fails to allege injury in fact, causation, and redressability; (3) has claims that are not ripe; (4) fails to allege a property interest; and (5) cannot allege a claim under the Michigan Constitution against a municipality.

The Court reviewed the motion. Without expressing any view as to its merits, the Court affords HPSH an opportunity to cure the purported pleading defects; the Court grants HPSH leave to file an amended complaint, in accordance with Fed. R. Civ. P. 15(a)(1)(B).

An amended complaint must plead specific factual allegations that, if true, would

"plausibly give rise to an entitlement to relief." *Iqbal*, 556 U.S. at 680. If HPSH timely files an amended complaint, the Court will deny without prejudice the motion to dismiss as moot. If HPSH does not timely file an amended complaint, it must file a response to the motion, and the Court will decide the motion.

Either an amended complaint or a response to the motion must be filed by

Wednesday, July 27, 2016.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: July 15, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 15, 2016.

S/Carol A. Pinegar

Deputy Clerk